

#10/86
75-B

PATENT

IN THE UNITED STATES PATENT AND TRADEMARK OFFICE

In re Application of: DeCaprio, Seppala and Rizq
 Application No.: 09/970459
 Filed: October 2, 2001
 For: STENT DELIVERY WITH MEMBRANE
 Examiner: Tan-Uyen Ho
 Group Art Unit: 3731

FAX RECEIVED
 JULY 02 2003
 GROUP 3700

Mail Stop _____
 Commissioner for Patents
 P.O. Box 1450
 Alexandria, VA 22313-1450

Docket No.: S63.2R-9493 US02

Response To Restriction Requirement With Traverse

Dear Examiner Ho:

Applicant provisionally elects species II and states that claims 1-3, and 6-15 are readable upon species II.

Applicant respectfully traverses the restriction requirement as being inappropriate in that claims 4 and 5 are so related to the elected claims of species II that an extensive and burdensome search is not required. Also, since so many generic claims are identified and they all read on species II, and given the close relationship of the features of claims 4 and 5, those claims should be searched along with the remaining claims – again as this is not burdensome to the Examiner.

Applicant also points out that claim 3 is indicated as being readable upon both species I and II, but is not indicated as being a generic claim. This also raises questions as to the identification of the species, as how can claim 3 be distinct from itself, but not generic.

Application No. 09/970459
Page 2

Response To Restriction Requirement

Respectfully submitted,

VIDAS, ARRETT & STEINKRAUS

Date: July 2, 2003

By: 
Richard A. Arrett
Registration No.: 33153

6109 Blue Circle Drive, Suite 2000
Minnetonka, MN 55343-9185
Telephone: (952) 563-3000
Facsimile: (952) 563-3001

f:\wpwork\raa\09493us02_amd_20030702.doc